

**Minutes
Catawba County Board of Commissioners
Regular Session, Tuesday, September 7, 2004, 9:30 A.M.**

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The Catawba County Board of Commissioners met in regular session on Tuesday, September, 7, 2004, 9:30 a.m. at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail.

Absent: N/A.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Joellen J. Daley, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and Executive Assistant Avajeane M. Wickes.

1. Chair Barnes called the meeting to order at 9:30 a.m.
2. Commissioner Barger led the Pledge of Allegiance to the Flag.
3. Invocation was offered by Chair Barnes.
4. Commissioner Barger made a motion to approve the minutes from the regular session of Monday, August 16, 2004, and a special joint session of Monday, August 23, 2004. The motion carried unanimously.
5. Recognition of Special Guests. None.
6. Public Comment for items not on the agenda. None.
7. Presentations:
 - a. The Board proclaimed September 12-18, 2004, as Environmental Awareness Week to encourage all citizens to learn about, and practice wise conservation of land and water resources, and take advantage of programs sponsored by the Catawba Soil and Water Conservation District which address the loss of prime farm acreage and forest land to non-farm uses and soil erosion. Vice-Chairman Hunsucker presented a proclamation to Ray Henderson, a member of the Soil and Water Conservation Board.

Mr. Henderson, on behalf of the Catawba County Soil and Water Conservation District, stated that Soil and Water Conservation Districts provide efficient, locally-delivered education and training programs to students, teachers and other adults as part of an overall natural resources stewardship mission. Mr. Henderson thanked the Board for their support of the Soil and Water Conservation District.
 - b. The Board proclaimed September 18-October 3 as Litter Sweep Weeks in Catawba County and Commissioner Beatty presented a proclamation to Tony Gallegos, Extension Agent.

Mr. Gallegos, on behalf of Cooperative Extension Services, Utilities and Engineering, and the Litter Task Force, thanked the Board for the proclamation, and said that in February 2004 the Litter Task Force was formed and is supported by all of the County's municipalities. One of the first efforts of the Task Force was the Spring Litter Sweep. The Spring Litter Sweep was quite successful with an increased number of volunteers and total collection over previous Litter Sweep weeks. Volunteers for the Fall Litter Sweep are being recruited. Mr. Gallegos displayed a first prize blue ribbon received by the Litter Task Force for their community booth at the American Legion Fair held in early September. The theme for their booth was "Don't Be A Tosser." He also showed a book on litter the Task Force would be delivering to all elementary schools in the County.
8. Public Hearing:
 - a. Local Law Enforcement Block Grant.

Ms. Jennifer Sumpter, Business Manager for the Sheriff's Office, stated that the Sheriff's Office had applied for and received an allocation from the 2004 U. S. Department of Justice a Local Law

Enforcement Block Grant in the amount of \$9,518, with a required local cash match of \$1,058. Grants under this program may be used for virtually any purpose that supports law enforcement agencies and their officers. Typically agencies will use it for equipment because of the limited number of grants available for equipment purchases. Special conditions of the grant require that an advisory committee be formed, with representation from specific groups, to make non-binding suggestions on how the funds should be spent and requires a public hearing beheld on the recommendations. The advisory committee met on August 18, 2004, with its required representation. Catawba County's committee includes Major Coy Reid, Catawba County Sheriff's Office (representing a local police or sheriff's department); Johnny Turner of the District Attorney's Office (representing the local prosecutor's office); District Court Judge Greg Hayes (representing the local court system); Assistant Superintendent Rick Sherrill of the Catawba County Schools (representing a local school system) and the Rev. Don Bledsoe of Covenant Christian Church (representing a local non-profit, educational, religious, or community group active in crime prevention, or drug use prevention or treatment). The committee and the Sheriff's Office recommend using the grant funds and required match to purchase the following items: 1) seven additional Taser units for use in Patrol, and three additional Stinger units for use in the Jail, along with the cartridges needed for both, to provide officers with a non-lethal means of self protection, and for controlling and/or subduing individuals (\$6,632); and 2) holographic targeting systems and mounts for existing MP5 rifles, to be used by the County's Special Tactics and Response (STAR) Team for precision automated targeting of weapons (\$3,944).

The Finance and Personnel Subcommittee recommended that the Board of Commissioners conduct a public hearing at its September 7, 2004, meeting as required by special conditions of the grant to allow public comment on the proposed uses of the grant and that the Board of Commissioners accept the award of the 2004 Local Law Enforcement Block Grant from the U. S. Department of Justice/Bureau of Justice Assistance in the amount of \$9,518 and appropriate the grant funds along with the required cash match of \$1,058 as follows:

Supplemental Appropriation:

Revenue

110-210050-620325	LLEBG 2004	\$ 9,518
110-190900-695205	From Narcotics Seized Funds	\$ 1,058
205-210250-690100	Fund Balance Applied	\$ 1,058

Appropriation:

110-210050-870100	Small Tools & Minor Equipment	\$10,576
205-210250-995110	To General Fund	\$ 1,058

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

No one spoke.

Chair Barnes closed the public hearing.

Commission Hunsucker made a motion to accept the grant award in the amount of \$9,518 and appropriate the grant funds along with the required cash match of \$1,058 as outlined above. The motion carried unanimously.

9. Appointment:

VFD Trustees, Fireman's Relief Fund

Commissioner Beatty made a motion to nominate Mr. Dale Smith, 1301 James Farm Road, Hickory, NC 28602, to replace Jimmie Leatherman, who resigned. Mr. Smith would represent the Mountain View Volunteer Fire Department. The unexpired term would expire January 1, 2006. There being no further nominations, the motion carried unanimously.

10. Consent Agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Request for new FTE - Mental Health.

The establishment of two new positions for Mental Health Services was recommended. One of the new positions would be a Community Services Coordinator, while the second would be an Office Support Specialist I. Due to the State's Mental Health reform initiative and the County's Mental Health Department transitioning to the role of a local managing entity, the County has reviewed several position changes and/or additions. In order to facilitate the changes involved in the reform initiative, there is a need to establish two additional FTEs (full-time equivalents) to carry out the State plan. State funding was provided in the current budget year, but the FTE count in the County's 2004-05 budget did not include these two new FTEs. The County's Personnel and Budget Departments are in agreement with this request and the Finance and Personnel Subcommittee recommends Board approval.

b. Amendment to Code of Ordinances, Chapter 34, Article II, Sections 26-27, Public Use of Facilities and Grounds.

The current ordinance gives the County Manager authority to approve applications for the use of County buildings, but requires Board of Commissioners' approval for the use of County grounds. The proposed change would give authority to the County Manager to also approve use of County grounds. In addition, the proposed change requires the applicant to provide proof of comprehensive general liability insurance, if applicable to the event; reduces the time to make application from 30 to 14 days; and generally streamlines the section regulations, making it easier for applicants to understand the regulations. The Policy and Public Works Subcommittee recommends the Board approve the proposed code revision.

c. Town of Maiden Review Officer Appointment.

Staff recommends approval of a request from the Town of Maiden to appoint Ms. Andrea Lytle, Town Planner, as a Map Review Officer. On July 17, 1997, the North Carolina General Assembly ratified Senate Bill 875 – Maps and Plats Law. This law requires all counties to appoint Map Review Officers who would review each plat or map before it is recorded and certify that it meets the statutory requirements for mapping. The law states that individuals have to be appointed by name, not by job title, so any time a change occurs in staffing, a new Review Officer has to be appointed by resolution of the Board of Commissioners, and the appointment recorded in the Register of Deeds Office.

**Resolution No. 2004-24
APPOINTMENT OF MAP REVIEW OFFICER**

WHEREAS, S.L. 1997-309 (SB875) made a number of significant changes in the procedures for recording maps and plats; and

WHEREAS, the main purpose of the law was to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer; and

WHEREAS, G.S. 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person or persons to serve as Review Officer to review each plat or map before it is recorded and certify that it meets the statutory requirements for recording; and

WHEREAS, it is the desire of the Catawba County Board of Commissioners to insure an expeditious review of all maps and plats as required by G.S. 47-30.2 before they are presented to the Register of Deeds for recording; and

WHEREAS, the Catawba County Board of Commissioners on September 30, 1997 adopted Resolution #1997-160 which included names of individuals who were appointed as Review Officers for representative jurisdictions in Catawba County; and

WHEREAS, said Resolution was recorded in the Office of the Register of Deeds in Book 2050 Pages 604 and 605 and amended resolutions were subsequently recorded; and

WHEREAS, Andrea Lytle has been appointed as the Town Planner for the Town of Maiden; and

WHEREAS, Ms. Andrea Lytle's job responsibilities include reviewing subdivision plats and serving as a Review Officer for the Town of Maiden;

NOW THEREFORE, BE IT RESOLVED, that the following individual is hereby appointed to perform the responsibilities of Review Officer for the planning jurisdiction as indicated in accordance with the appropriate General Statutes:

Town of Maiden: Andrea Lytle

BE IT FURTHER RESOLVED, that a copy of this Resolution designating Review Officers be recorded in the Catawba County Register of Deeds Office and indexed in the names of the Review Officers.

Adopted this the 7th day of September 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Attested:

/s/ J. Thomas Lundy, Deputy Clerk

d. Social Services Fees Collected Fiscal Year 2003-2004

The Department of Social Services collects various minimal fees from the public to help cover the costs associated with rendering certain services. The fees are regulated by NCGS 108. The Board of Social Services accepted this fees report at its regularly scheduled meeting on August 18, 2004, and recommended that the Board of Commissioners accept the report.

In-Home CAP	\$ 6,743.94
HCCBG In-Home	\$ 405.00
NC Health Choice	\$ 37,400.00
Child Support	\$ 4,363.00
Adoption	\$ 1,175.00
State In-Home	\$ 25.00
Home Study	\$ 175.00
Trust Accounts	<u>\$ 7,145.07</u>
Total	<u>\$57,432.01</u>

e. Future Forward Economic Recovery Planning Project.

Staff recommends the Board of Commissioners approve an agreement with the Western Piedmont Council of Governments (WPCOG) and corresponding budget ordinance in the amount of \$180,000 to implement the Future Forward Economic Recovery Planning Project, which uses federal grant funds to plan for new directions for the county's economy and seek new opportunities to develop jobs in the county. A \$180,000 Community Development Block Grant (a matching grant) was developed to assist Alexander, Avery, Burke, Catawba, Caldwell, Iredell, Lincoln, McDowell, Mitchell, Rutherford, Watauga, and Wilkes counties in meeting the match requirements for a separate \$250,000 grant from the United States Economic Development Administration's Comprehensive Economic Development Strategy (CEDS) Implementation Project, and awarded to the WPCOG on behalf of the twelve counties. The original CEDS process resulted in the development of strategies to plan for new economic directions for the region. This project will begin implementation of those ideas. The North Carolina Department of Commerce's Division of Community Assistance awarded the \$180,000 CDBG to Catawba County, on behalf of all twelve counties.

ORDINANCE#2004-16

CATAWBA COUNTY PROJECT BUDGET ORDINANCE
FOR THE 2003 COMMUNITY DEVELOPMENT BLOCK GRANT
FUTURE FORWARD ECONOMIC RECOVERY PLANNING PROJECT

Be it ordained by the Catawba County Board of Commissioners that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#03-P-0972) between this unit and the Department of Commerce. This project is more familiarly known as the Future Forward Economic Recovery Planning Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

Revenues

Community Development Block Grant	<u>\$ 180,000</u>
	\$ 180,000

Section 4. The following amounts are appropriated for the project:

Expenditures

Contract with the WPCOG	<u>\$180,000</u>
	\$180,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making Payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 7th day of September, 2004.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

ATTEST:

/s/ J. Thomas Lundy
Deputy Clerk to the Board of Commissioners

Chair Barnes asked if there were any questions regarding the consent agenda items. Commissioner Beatty clarified with Attorney Bechtel that she would be modifying the application form so it would specifically reflect where on the various grounds an event was being held.

There being no further discussion on the aforementioned consent agenda items, Commissioner Barger made a motion for approval. The motion unanimously carried.

11. DEPARTMENTAL REPORTS

a. Utilities and Engineering

1. Southeastern Catawba County Water Supply Loop Phase I (Highway 150) Water Project Change Order for Bach Drive, Emerald Isle Drive and Tuttlewood Drive

On July 22, 2004, the County was notified that it had won a State Clean Water Bond, High Unit Cost Grant for this project in the amount of \$151,260. The expansion of the project will bring municipal-quality water to an area that has had water contamination issues. The project area includes 48 residences, 33 of which are hooked to the Bach Well, known to be contaminated. Currently, the system is being operated by Aqua and each citizen is paying \$40 per month for the service. When hooked to Hickory's water service, the monthly cost will probably be less than \$40 per month, depending on water usage. This grant will first assist with the construction costs, but approval has been obtained from the Water Supply Section that any funds not required in the construction phase can be applied toward connections.

Ronny Turner Construction Co., Inc., which was awarded the bid for the original SECC Water Supply Loop, Phase 1 project on February 2, 2004, will install taps at each property where the owner requests water service. Since the contractor is installing taps, the City of Hickory (which will actually supply the water) will not charge a tap fee, but will charge the customer or property owner a capacity fee of \$742 for a 3/4 inch residential meter. The City of Hickory does require a \$50 deposit for rental properties. The County's Water Capital Fee Schedule allows for a reduction, by 50%, in the usual water capital fee in this case, bringing the County's fee for a 3/4-inch residential connection to \$500. The customer or property owner will be responsible for all costs associated with installing a plumbing line from the tap or meter to the dwelling. A plumbing permit, at a cost of \$50, is required. In accordance with state law, a property owner residing in the dwelling can do his own plumbing, but if the property is used for rental purposes, a plumber must be hired.

In order to save time and money on this grant project, the State is allowing Catawba County to forego bidding on the expansion of the project, and is allowing for the expansion of the SECC Water Supply Loop, Phase 1 as a change order to the existing contract with Ronny Turner Construction Co. McGill Associates, PA, is the engineer on the project and has designed and obtained State approval for the water lines that will serve Bach Drive, Emerald Isle Drive and Tuttlewood Drive. McGill Associates has presented a proposal for engineering services to provide administration of the construction project for a fee of \$17,730.

The Policy and Public Works Subcommittee recommends the Board accept the N.C. Clean Water Bond Grant in the amount of \$151,260; approve a change order for the original contract with Ronny Turner Construction, Inc. to expand the SECC Water Supply Loop Phase I, in the amount of \$127,170.40 with a 5% contingency in the amount of \$6,359.60; approve a contract with McGill Associates, PA for the administration of the construction project and grant, in the amount of \$17,730; and approve a revision to the County's fiscal year 2004-2005 budget, in the amount of \$151,260, to reflect the addition of the grant funds.

Chair Barnes thanked Mr. Edwards and stated this was a much-needed project.

Commissioner Beatty asked that a letter be sent to property owners and tenants outlining the project and what would be expected of them, particularly with regard to the possibility that there might be funds available for hook-up if funds are remaining after construction. Mr. Edwards stated that it is estimated that as much as \$10,000 may be available to apply towards connection, but it was impossible to determine at this time exactly what funds would be remaining. Due to the number of properties, it was yet to be determined how any connection funds would be allocated to property owners. Commissioner Beatty felt the letter should include how funds would be allocated. Mr. Edwards stated that because it would not be known until after the construction phase, how much, if any, money was remaining, it would be better not to include. Mr. Edwards stated that a letter would be sent to the property owner and the residence so that renters would know they would be required to make a \$50 deposit to the City of Hickory. Mr. Edwards also stated that one property owner who rents several properties in the project area has contacted the City of Hickory and expressed his interest in connecting to the waterline.

Commissioner Beatty thanked the Utilities and Engineering staff for their hard work in obtaining grants and made a motion to accept the N.C. Clean Water Bond Grant in the amount of \$151,260; approve a change order for the original contract with Ronny Turner Construction, Inc. to expand the SECC Water Supply Loop Phase I, in the amount of \$127,170.40 with a 5% contingency in the amount of \$6,359.60; approve a contract with McGill Associates, PA for the administration of the construction project and grant, in the amount of \$17,730; and approve a revision to the County's fiscal year 2004-2005 budget, in the amount of \$151,260, to reflect the addition of the grant funds. The motion carried unanimously.

b. Public Health

1. School Nurse Initiative.

Public Health Director Barry Blick stated that for a number of years the Catawba County Health Department, in partnership with the three school systems, has had school health nurses visiting throughout the county to attend to and identify health needs of our students. Many studies show there is a direct link between the health of children and their ability to learn and their academic success. For the last couple of years, the Department of Public Instruction and Division of Public Health have worked very closely to lobby the NC General Assembly to expand school health coverage throughout the State of North Carolina. This is the first year in many years that the State has allocated additional resources for school health nurses. Throughout the state and in Catawba County there are far too few nurses when compared to student population. The General Assembly, as part of its budget package in House Bill 1414, passed new allocations for school health nurses. In that legislation were very specific criteria as to how those school nurses would be allocated to various communities. The school system within Catawba County which met those criteria was Hickory City Schools. Mr. Blick was notified last month that two additional nurses were being allocated for services to the Hickory City Schools. The basis of those criteria were the current nurse to student ratio; the economic status of the community; the health needs of area children, academic achievement, and readiness of the children to learn. Based on this formula, the Hickory Public Schools demonstrated the need to receive two new school nurse positions. One is a permanent position that would receive ongoing funding from the State, while the second position is a 2-year position that would receive start up funding for 2 years, with the acknowledgement that the county and/or school system would continue funding after the grant period ends. Dr. Duane Kirkman, Superintendent of Hickory Public Schools, is in favor of the Health Department's accepting the funding for two additional school nurse positions to serve the Hickory Public Schools, as well as exploring every opportunity for funding sources to ensure the sustainability of the positions beyond the grant period.

The Board of Health reviewed this proposal and unanimously gave its approval for the Health Department to review funding to add two School Nurse positions to provide school health services for the Hickory Public Schools.

The Finance and Personnel Subcommittee recommended that the Board of Commissioners approval acceptance of State funding in the amount of \$98,750 to fund the two school nurse positions, effective October 1, 2004.

Supplemental Appropriations:

110-580308-636415	School Nurse Initiative	\$98,750
110-580308-812100	Regular Wages	\$60,000
110-580308-821100	FICA	\$ 4,590
110-580308-822100	Retirement	\$ 3,200
110-580308-823100	Health	\$ 9,000
110-580308-823300	Dental	\$ 800
110-580308-823600	LTD	\$ 400
110-580308-825500	STD	\$ 212
110-580308-841010	Travel	\$ 6,000
110-580308-841020	Education	\$ 3,348
110-580308-831030	Educational Supplies	\$ 6,000
110-580308-849048	Educational Initiative	\$ 4,000
110-580308-870100	Small Tools	\$ 1,200

Commissioner Lail asked for clarification on why the school nurse positions were going to Hickory Public Schools and why the Public Health mobile unit was going to Hickory High first. Mr. Blick responded by saying that the General Assembly was very specific in its criteria as to how the nurse positions would be allocated. Many of the 117 school systems across the state are not receiving any new positions. The Hickory Public School Systems is receiving two, based on the criteria reiterated above. With regard to the mobile unit, funds to procure the unit were received two months through Homeland Security funding. When the funds were received, special permission was granted to use the unit on an everyday basis as a part of the Totally Teens program throughout the county, but that if it were ever needed for Homeland Security purposes, it would be so used. In determining where to begin using the unit, Public Health officials recognized, using criteria similar to what the state used, that Hickory High students had the highest need in terms of socio-economic profile, etc, and were mindful that the Hickory Public Schools System had contracted with the County to provide funds to support personnel using the unit. In addition, use of the mobile unit is beginning at Hickory High but once an assessment is made of its success, the intention is to make the unit available to the other two school systems as time and resources allow.

Commissioner Barger clarified with Mr. Blick that if there was only one school system in the county it was possible that the County would have been ineligible to receive new school health nurse positions under House Bill 1414. Mr. Blick added that over the last several years the Board of Commissioners had expanded the school health nurse program to include ten nurses, including the supervisory nurse, and as a result every school in Catawba County receives visits from school health nurses.

Commissioner Beatty commented that all the boards and commissions she has served on have been very proactive about the DHR teams and that Catawba County was one of the only counties in the state to have such teams. She also stated that the Board was committed to continue its support of the school health nurse program, DHR teams, and Totally Teens program.

Mr. Blick stated that the Totally Teens program was designed to serve all school children and to gain a presence in every school. The superintendents and School Boards have remained committed to the programs as well and as school construction projects are developed, clinical space is included so the nurses will have a place to operate.

Commissioner Lail made a motion to approve the increase in the Health Department revenue and expenditure line items in the total amount of \$98,750 (\$49,375 for each grant) as set forth above to fund the two school nurse positions, effective October 1, 2004. The motion carried unanimously.

c. Emergency Services.

1. Resolution to approve financing by Oxford Fire Protection Association, Inc.

Emergency Services Director David A. Weldon stated that the Oxford Fire Protection Association has requested that the Board of Commissioners approve the Association's tax-exempt financing of an amount up to \$250,000 for the purchase of a new pumper/tanker as required under Internal Revenue Service codes in order for the Oxford Fire Protection Association to obtain a more favorable interest rate. This is not considered a financial obligation of the County. The Association plans to purchase a 2005 Pierce pumper/tanker to replace a unit built in 1967. The fire department will receive an interest rate of 4.09% as a result of this resolution. A required public hearing was held by the department on August 26, 2004, and no public opposition to the financing plan was presented. The Finance and Personnel Subcommittee recommends the Board approve this resolution.

Commissioner Beatty made a motion to approve the following resolution approving the financing. The motion carried unanimously.

Resolution No. 2004-23

**Resolution Approving the Financing by
The Oxford Fire Protection Association Inc.
of up to \$250,000 for a 2005 Pierce Pumper/Tanker**

WHEREAS, the Oxford Fire Protection Association, Inc. has determined to finance an amount of up to \$250,000 for the purchase of a pumper/tanker truck. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Oxford Fire Protection Association Inc. held a public meeting on August 26, 2004, after published notice in accordance with the Internal Revenue Code. The Oxford Fire Protection Association, Inc., has reported the proceedings of such hearing to this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina, as follows:

1. The County approves the Oxford Fire Protection Association Inc., entering into the financing, as required under Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Oxford Fire Protection Association, Inc., conduction of the required public hearing is approved.

This 7th day of September, 2004.

*/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners*

/s/ J. Thomas Lundy, Deputy Clerk

12. Other items of business:

a. Review of 2004 Legislative Priorities.

Assistant County Manager Joellen J. Daley provided a summary of the 2004 Session of the General Assembly as it relates to the legislative agenda established by the Board of Commissioners in the spring of 2004, as well as information regarding study commissions of interest.

1. County Share of Medicaid – No action was taken on this legislative priority. We will include this as a priority for the 2005 Session.
2. Medicaid Reform – The report of the Blue Ribbon Committee on Medicaid Reform is expected to be completed by February 2005. Catawba County is prepared to assist this Commission in the event our participation is requested.
3. Mental Health Reform – The General Assembly took no position with regard to Mental Health Reform; specifically, the issue concerning county employees being permitted to remain in the State Retirement System. As a result, all changes will be made affecting the employees that have been relocated to Catawba Valley Behavioral Healthcare by January 1, 2005. There was one exception however, which relates to health insurance, which will be phased out on June 30, 2005.
4. Public Health Reform – The legislative goal associated with this item has been accomplished. Senate Bill 672 was deferred. An interim report has been issued and will be finalized by mid-October. Commissioner Barnes is actively involved in the Public Health Reform process and also in the selection of four commissioners who will be serving on the Pilot Accreditation Advisory Board.
5. Regional Juvenile Justice Center – We have received a letter from Secretary Sweat indicating that Catawba County has been identified as a possible location for one of eleven 32-bed facilities. We are following up on this item and will keep you informed of our progress.
6. Hickory Metro Higher Education Center – Funding for the Higher Ed Center was included as a continuing appropriation in the 2004 budget as requested by the Board of Commissioners. It is important that we continue to talk to members of our Legislative Delegation to be certain the funding remains in tact in the State budget next year. We also need to encourage our Legislators to support the budget so the funds do not become a target for removal or reassignment in the future.
7. Just Compensation – The legislation related to this item, specifically impacting the removal of billboards, was passed, but only after compromise legislation was reached.
8. Highway Trust Fund – We will continue to monitor the Highway Trust Fund through the 2005 Legislative Session and oppose any funding that would be removed for other purposes on your behalf.
9. ADM Funding – The ADM funding was restored in the 2004 Session and we will monitor it closely as we enter the 2005 Session.

Study Commissions

Several Study Commissions have been established during the 2004 Session. Here are some to watch and those that have Catawba County Commissioners appointed to them:

1. Study Commission on Worker Retraining – Part LI - The Commission shall examine: 1) Business incentives that encourage employers to support efforts by employees to retrain in order to qualify for higher paying or non-exportable jobs by allowing employees time off, reimbursing employees for education expenses, or providing other support. 2) Successful retraining incentive programs in this and other states. Commissioner Lail has been appointed to this committee.
2. Study Commission on Economic Development Infrastructure – Part XLIX - The Commission shall examine the existing infrastructure for the delivery of economic development, including

the many entities involved in economic development.

3. Higher Education Bond Oversight Commission – Commission will oversee the expenditures related to funding higher education infrastructure. Commissioner Barnes may be appointed to this committee.
4. Twenty-First Century Revenue System Study Commission – Part XLVI - The purpose of the Commission is to build on the recommendations of past legislative and executive branch commissions to design a realignment of the State and local revenue system in accordance with a clear, consistent tax policy in light of modern economic, social and political conditions.
5. Other Study Commissions
 - a. Local School Construction Financing Study Commission – Part XI
 - b. Voter Paper Trail Study – Part XII
 - c. Highway Trust Fund Study Committee Extended – part XX
 - d. State Teacher Retention Task Force – part XXVIII
 - e. North Carolina Blue Ribbon Commission on Medicaid Reform – Part LII
6. Legislative Research Commission Topics
 - a. Medicaid Funding – Section 2.1 (e)
 - b. Availability and Delivery of Government Services to Hispanics – Section 2.1 (g)
 - c. State-Local Relationships – Section 2.1 (m)
 - d. Abandoned Junk Vehicles – Section 2.1 (n)

The full text of these and other Study Commissions can be found at www.ncleg.net. The Bill Look-Up number is S1152.

b. Proposed 2005 Legislative Agenda

Mrs. Daley presented to the Board of Commissioners a proposed 2005 Legislative for submission to the North Carolina Association of County Commissioners. Each year the North Carolina Association of County Commissioners requests each of its constituent counties to submit issues and ideas for consideration as the Association begins to develop its 2005 legislative agenda. Responses are due to the Association by September 15. Throughout the fall, Association steering committees will review proposed goals and forward recommendations to the Legislative Goals Committee.

The Legislative Goals Committee, which will be appointed by incoming NCACC President Breeden Blackwell of Cumberland County shortly after the Association's Annual Conference in August, will hold a series of meetings in late fall to review goals recommended by the steering committees. The Legislative Goals Committee will then forward a group of proposals to the NCACC Board of Directors in December. The board will then approve a package to be presented to the membership at the Legislative Goals Conference to be held in January 2005.

The multi-level process is designed to assure that the NCACC develops a set of goals on which the members have reached consensus and about which members are informed as proposals are presented to legislators.

Mrs. Daley noted that this proposed agenda had been shared with our North Carolina Legislative Delegation.

Staff recommends adoption of the 2005 Legislative Agenda for submission to the North Carolina Association of County Commissioners.

Following a brief discussion, Commissioner Barger made a motion that the Board adopt the following 2005 Legislative Agenda and forward the same to the North Carolina Association of County Commissioners. The motion carried unanimously.

**CATAWBA COUNTY
2005 LEGISLATIVE AGENDA**

Funding

1. County Share of Medicaid – As with the 2004 Agenda, one of our top funding priorities will be relief from or additional funding for the County's portion of Medicaid. As you are aware, the Legislative Research Committee can study Medicaid funding and if it does, it has been suggested that study areas will center on continuing costs and changing benefits. As with last year, Catawba County volunteers to offer recommendations to the Legislative Research Commission for Medicaid savings, many of which appear later in this communication, and offers to be used as a best practice if the Commission requests that we do so.
2. Local Revenue Options – During the 2004 Session, Dare County was granted authority to levy a one-cent sales tax for eight years with proceeds to be used for beach nourishment. Gaston County was granted authority to impose a one-half percent sales tax for eight years, subject to a referendum. Proceeds are to be used only for economic development projects and tourism projects. Catawba County aligns with the NCACC Legislative Goal that any local revenue options granted by the General Assembly be extended to all counties rather than to a select few.
3. Hickory Metro Higher Education Center – The funding for the HMHEC was including in the budget as a continuing appropriation during the 2004 Session. Catawba County would like this funding to remain as a continuing appropriation in next year's budget.
4. Child Protective Services – A total of \$5 Million new dollars were appropriated for additional local Child Protective Services workers, to be distributed to "address the needs of counties that have high caseload per child protective services worker ratios." Catawba County stands to benefit from this appropriation and should suggest that additional funding for the same purpose be included in the 2005 Budget. Not only should the General Assembly continue present funding, it should appropriate State funding equal to 50% of the non-federal cost of child welfare for North Carolina counties. Child Protective Services and Foster Care are the result of State mandates; therefore, it is only reasonable for the State to share the financial costs. In order to increase the funding for Child Protective Services to 50%, the State would need to appropriate an additional \$50 Million dollars. For Catawba County, this would translate into an additional \$1.7 Million dollars for the program.

Policy

Emergency Services

1. E911 Fees – Funds from the Emergency Telephone System Funds should be available for the lease, purchase, or maintenance of any communications equipment associated with receiving, processing, or dispatching emergency calls for public safety services.

Finance

2. Exempt Sales Tax on Local Government Purchases – Exempt local governments from paying sales taxes on purchases. Currently, local governments remit the 7 percent sales tax on purchases made by the local government to the State on a monthly basis and receive a refund of all sales taxes paid at the end of the fiscal year by filling out a form itemizing purchases by county. This legislation would eliminate the need for these monthly administrative reports and allow local governments, rather than the State, to keep the interest on those funds. For Catawba County, it is estimated that the interest earned would be between \$8,000 and \$10,000 annually, not to mention the savings that would be realized from the elimination of all of the associated administrative work necessary to compile the necessary reports for the State.

Mental Health

3. Guardianship - The current system allows for the Clerk of Court to appoint the County Health Director, the Director of Social Services or the Area Mental Health Director to serve as a guardian of a person that has been deemed not competent to make decisions for themselves. Area Mental Health Directors alone are guardians for hundreds of consumers. Currently we do not receive reimbursement for this service. A proposal should be developed that would move guardianship to the non-profit or private sector. As the State forces the LME to move away from service delivery and shifts traditional responsibilities to the new Area Authorities, guardianship becomes further removed from the LME, in our case the Mental Health Director. In light of this change, the responsibility of guardianship should be transferred to the new service provider, which may be in either the non-profit or private sector.

Suggested Interim Changes to Medicaid Legislation

Social Services – Disabled Adults and Seniors

4. Medicaid Maintenance Amounts - Raise the maintenance amount from \$242 for one and \$317 for two to the current 100% Poverty Level of \$749 and \$1010, respectively, when calculating a deductible for Medicaid purposes. This would help relieve the financial burden on individuals wishing to remain in the community. Six hundred potential MQB (Medicaid Qualified Beneficiary) clients could meet a deductible earlier and CAP (Community Alternative Program) clients could meet their deductibles earlier in the month. This would require more Medicaid dollars, but could prevent residential placement that would ultimately save Medicaid dollars.
5. County Notification of Private Duty Nursing Eligibility - Create Medicaid Program procedures for alerting counties when the Division of Medical Assistance makes an individual eligible for Private Duty Nursing (PDN). Because the County is not notified when a person is deemed eligible for PDN, it has no control over the extremely high cost of this service. If the County received notification, a staff member from Social Services could work with hospital discharge planners to follow the individual until a more appropriate, cost effective plan of care can be arranged. The County would more effectively control costs and the individual would be serviced at the appropriate level of care to meet needs. Transfer of assets should be determined as part of eligibility determination as is done with Personal Care Services (PCS). Counties would require additional staff to handle this effort, however, significant Medicaid cost savings would be anticipated.

Social Services – Day Care Policies

6. Allocation Formula for Day Care Funding – The current policy states, “a county may not receive less than 90% of a previous year’s allocation.” Since there are numerous reversions and reallocations through the year for each county to come closer to the actual amount of needed funding, this amount should not be taken into consideration. The policy should be changed to state, “a county may not receive less than 90% of a previous year’s expenditures.”
7. Eliminate Day Care Double Dipping - Currently, there is nothing in state policy that would prevent a child day care provider from receiving a full payment under the More at Four Program and the Social Services Subsidy program. This double dipping should not be allowed. It would be acceptable to use Subsidy money to bring the payment up to the market level; but full double dipping should be prohibited.
8. Day Care Termination Notices - When a child moves from one center to another, the first center should receive no more than five days of notice. When a child drops out of day care, the center should never be paid for more than 10 days after the child’s last day of attendance. This change would bring day care providers more in line with how they work with private pay families and ultimately save money.

9. Day Care State Market Rate – The rate is determined by using the private paying rate of 75 children within each age group and licensing level. If 75 private paying children are not available, the State Market Rate is assigned. The use of 75 children was set when there were only 2 different licensing levels. Since there are now 5 different licensing levels, the number of private paying children should be decreased to enhance the accuracy of the actual rate being charged for a specific age within a specific level of care, and decrease the assignment of the State Market Rate.
10. Expedite Appeal Hearings Related to Children in Foster Care – We should develop a mechanism to expedite appeal hearings for foster children to be placed in permanent homes. Many of these appeals have to do with the termination of parental rights; however, some appeals can occur for other reasons. The time frame associated with appeals can last up to a year, thus requiring the child to stay in a foster care situation rather than to move to a permanent home. We need to develop legislation to establish a maximum time limit of three (3) months for the courts to complete an appeal; otherwise, the child is in limbo without a permanent family.

Mental Health

11. Ticket to Work – Medicaid Buy-in - Under federal authority granted in 1997 and expanded through the 1999 Ticket to Work Act, states have the option of creating new Medicaid eligibility categories for persons with disabilities who work. Prior to the new authority, persons with disabilities who increased their incomes through work often lost their entitlement to Medicaid and with it such essential services as personal assistance and prescription drug coverage. To provide continued Medicaid coverage when persons with disabilities enter the workforce, states may now establish income and asset standards for this group that differ from other categories. If they wish, states may require newly eligible persons to share in the cost of Medicaid coverage ("buy-in") through premiums or other cost-sharing charges. States may elect to extend the new coverage to persons with disabilities or to both persons with disabilities and persons whose medical condition has improved. Eliminating barriers to health care and other needed services and supports, and creating financial incentives to work, can greatly improve persons with disabilities short and long-term independence and financial well-being. North Carolina should exercise the "buy-in" option, as 21 other states have already exercised this option.

c. Reinventing:

Personnel Changes, Reinventing Government – Social Services

Section II F of the 2004-2005 Budget Ordinance states: "Reinventing Departments may create or abolish positions which impact the outcomes approved by the Board of Commissioners and within available revenues upon summary approval of the Board of Commissioners. Approval will come at the next regularly scheduled Board of Commissioners' meeting and will be attached and approved as part of the minutes."

Under this provision of the Budget Ordinance, the following personnel changes have been made to Social Services' budget:

Child Protective Services Social Worker (1)

More state funding than anticipated enables Social Services to add the position at no county cost and help meet state staffing requirements and assure realization of outcomes related to child safety, protection, and permanency.

Social Work Supervisor III (1)

More state funding than anticipated helps Social Services get closer to meeting state supervisory requirements in Child Welfare and assure realization of outcomes related to child safety, protection, and permanency.

13. Attorneys' Report. None.

14. Manager's Report.

a. Update on Mental Health Lifeskills Facility.

Mr. Lundy asked Mental Health Director John Hardy and Purchasing Agent Debbie Anderson to provide for informational purposes an update to the Board on the Lifeskills facility. Mr. Hardy stated that a year ago the County contracted with General Contractor CBM International to construct the Lifeskills facility. In recent days, notices of two liens had been received, Central Asphalt Paving and Northside Construction, subcontractors which had been paid by the general contractor. There are several other subcontractors who have been in contact with County officials because they have also not been paid. The original contract was for \$1.377 million. To date, approximately \$857,000 has been paid out, with \$520,000 remaining. Staff is working on a plan to manage the remainder of the contract, how to respond to the liens, and to make sure the project is completed. The project was originally to have been completed in mid-September, but is at least targeted for December 1 for occupancy. Based on the fact that the building is not in the dry yet, work for some of the other contractors will be slowed. Staff has been working with Wesley Curtis, the lead architect, who had contacted the owner of CBM, located in Fredericksburg, Virginia. In addition, the performance bonding company has been made aware of the situation. The initial reply of the contractor is that he is aware of the situation and that he is working with his performance bonding company to develop a strategy to satisfy the underpaid contractors. Mr. Hardy did communicate to CBM that many of the subcontractors are local businesses and that if they are not being paid, it has an effect on our local economy, and that some of the subcontractors are not in a position to wait for payment as some larger companies.

b. Mutual Aid Agreements with Catawba Valley Medical Center and Frye Regional Medical Center

At the August 16, 2004, meeting, the Board of Commissioners approved mutual aid agreements with surrounding counties. Staff would like authority to establish similar agreements with Catawba Valley Medical Center and Frye Regional Medical Center for Emergency Medical Services to provide mutual aid in the event of a disaster and authorize Chair Barnes to sign the agreements for the County.

Commissioner Lail made a motion that the Board approve the establishment of Mutual Aid Agreements with Catawba Valley Medical Center and Frye Regional Medical Center and authorize Chair Barnes to sign these agreements. The motion unanimously carried.

c. Appointment of Assistant Deputy County Clerk.

Mr. Lundy requested that the Board of Commissioners appoint Avajeane M. Wickes as Assistant Deputy County Clerk by authority of GS 153A-76. Section 2-178 of the Catawba County Code states that the County Manager will act as Deputy Clerk with these duties being ex officio to his normal duties as County Manager. From time to time, particularly during a vacancy of the County Clerk position, it would be useful in the administration of county operations to have an Assistant Deputy County Clerk who would be able to assist in the duties of County Clerk. Mrs. Wickes is the Executive Assistant in the County Manager's Office and is familiar with these responsibilities. North Carolina General Statutes 153A-76 gives the Board of Commissioners the authority to generally reorganize county government in order to promote orderly and efficient administration of county affairs.

Commissioner Barger made a motion that Avajeane M. Wickes be appointed Assistant Deputy County Clerk. The motion carried unanimously.

d. Mr. Lundy reminded the Board that the September 20, 2004, meeting would be held at St. Stephens High School as part of the Board's community outreach efforts.

There being no further business to come before the Board at this time, Chair Barnes announced that the Board would recess and reconvene at 3:00 p.m. at the Holiday Inn Select to conduct a two-hour work session and receive a report from the FORESIGHT Steering Committee.

At 10:33 a.m. upon motion by Vice-Chair Hunsucker and unanimously, the Board of Commissioners recessed.

* * * * *

Chair Barnes convened the recessed meeting at 3:14 p.m. Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger, Barbara G. Beatty, and Lynn M. Lail. A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy and Assistant County Manager Joellen J. Daley.

Chair Barnes welcomed Philip L. Null, Chairman of the FORESIGHT Steering Committee, and other Steering Committee members present—Jerry Hodge, Lynn Lail, Glenn Barger, Charles Snipes, Carl Matheson, Pope Shuford and Tom Lundy.

Chairman Null thanked the Board of Commissioners for its vision in creating the FORESIGHT Strategic Planning Committee and for the opportunity to help plan the economic future of Catawba County. He methodically covered the mission statements and list of strategies prepared by the FORESIGHT Steering Committee in the four areas of Jobs and Business Creation, Political Action and Leadership, Environment, and Education. Board members and Mr. Null engaged in discussion about different strategies, asking questions and clarifying.

At the conclusion of the discussion, Commissioner Barger made a motion that the Board of Commissioners accept the report of the Steering Committee, thanking Philip Null for his leadership throughout the strategic planning process, and commending the Western Piedmont Council of Governments staff for their support throughout the process. Commissioner Beatty echoed Commissioner Barger's comments, congratulating Philip Null and thanking him for his leadership, and also commending the staff of the Western Piedmont Council of Governments. The motion was unanimously carried.

Chair Barnes expressed her appreciation to all the members of the Steering Committee. She noted that the Western Piedmont Council of Governments had excellent staff and that we were fortunate to be able to expect and receive more from our Council of Governments than many around the state. She indicated that the FORESIGHT report means that there is much work to do in Catawba County by the different actors. She stated that the Board of Commissioners would work diligently to implement strategies in some priority order and pledged to work in partnership with the FORESIGHT Steering Committee and other actors in the community on the strategies.

At 4:55 p.m. on a motion by Vice-Chair Hunsucker and unanimously carried, the Board adjourned the meeting. At 5:30 p.m. a reception and celebration was held where FORESIGHT Steering Committee and Task Force members were recognized by the Board of Commissioners. Each member of the Steering Committee was presented with a Certificate of Commendation signed by Chair Barnes and a piece of Kim Ellington pottery in appreciation for over two years of work.

Katherine W. Barnes
Chair, Board of Commissioners

J. Thomas Lundy
Deputy Clerk